

REMARKS

By this amendment, Applicants amend claims 1, 62, 63, and 65 to improve form and cancel claims 12-41.

Claims 1-11, 43, and 62-65 are currently pending.

In the Office Action mailed July 24, 2009, the Examiner rejected claim 1 under 35 U.S.C. § 101 as non-statutory and rejected claims 1-11, 43, and 62-65 under 35 U.S.C. § 102(a) as anticipated by RFC3261 (SIP: Session Initiation Protocol) (hereinafter “RFC”).¹

Regarding the rejection under section 101, Applicants submits that the amendment to claim 1 clearly ties the method to an apparatus (i.e., “the interrogating call session control function implemented on at least network element), obviating thus the basis of the rejection under 35 U.S.C. § 101.

The Examiner rejected claims 1-11, 43, and 62-65 under 35 U.S.C. § 102(a) as anticipated by the RFC. Applicants respectfully traverse this rejection.

Claim 1, as amended, recites the following features:

receiving a message at an interrogating call session control function;
obtaining, at the interrogating call session control function, address information for an application server for which said message is intended;
and
sending, by the interrogating call session control function rather than by a serving call session control function, said message to said application server in accordance with said address information.

At the outset, the Examiner has committed a clear error by ignoring the “interrogating call session control function” recited in claim 1. Applicants respectfully remind the Examiner

¹ Only the currently pending claims are listed.

that a rejection under section 102 requires that the referenced must be shown in as complete detail as contained in the claim. *See Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989) (“The district court correctly instructed the jury that an invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.”)

The Examiner primarily relies on pages 10-12 of the RFC. However, at best, the RFC describes routing messages between two users (e.g., Alice and Bob depicted below at Figure 1). As such, the RFC cannot possibly constitute sending a message by an interrogating call session control function to an application server, much less “sending, by the interrogating call session control function rather than by a serving call session control function, said message to said application server in accordance with said address information,” as recited in claim 1.

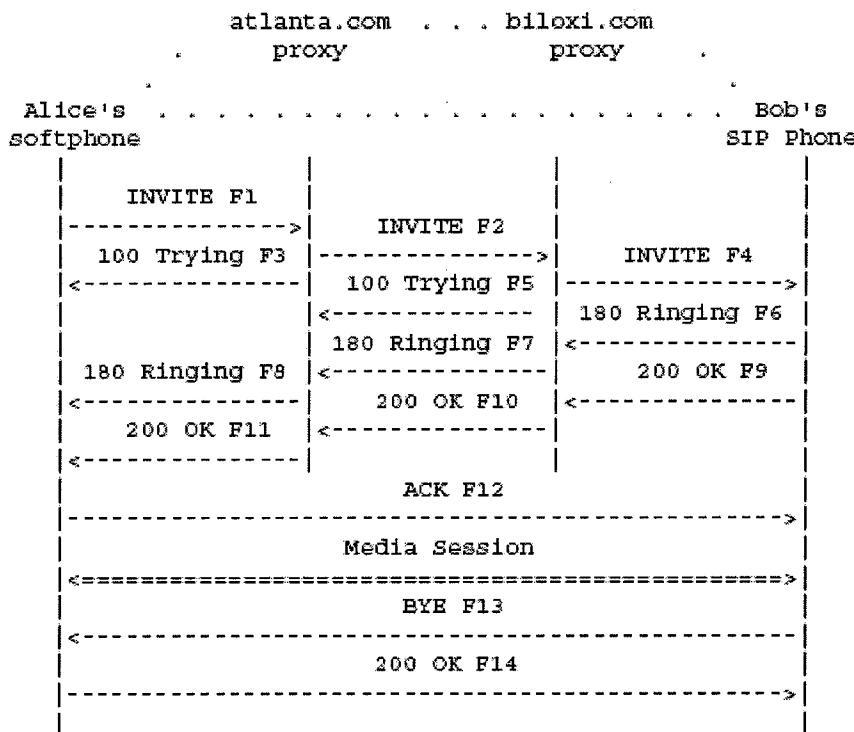


Figure 1: SIP session setup example with SIP trapezoid

Moreover, the proxies depicted above at Figure 1 are merely “two SIP proxy servers that act on behalf of Alice and Bob to facilitate the session establishment.” RFC, page 11. Thus, it would be a clear error to equate the two SIP proxy servers with an “interrogating call session control function,” much less one that performs the features noted above with respect to claim 1. Therefore, claim 1 is not anticipated by the RFC, and the rejection under 35 U.S.C. § 102(a) of claim 1 as well as claims 2-11 and 43, at least by reason of their dependency from claim 1, should be withdrawn.

Independent claims 62, 63, and 65, although of different scope, include features similar to some of those noted above with respect to claim 1. For at least the reasons given above, claims 62, 63, and 65 are not anticipated by the RFC, and the rejection under 35 U.S.C. § 102(a) of

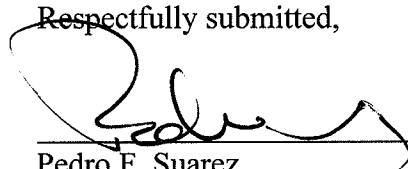
claims 62, 53, and 65, as well as claim 64, at least by reason of their dependency, should be withdrawn.

CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Petition for a one-month extension of time with the requisite fee. Authorization for a credit-card payment of the filing fees mentioned above is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 39700-791N01US/NC39771US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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